

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 299**

**Introduced by Senator Chesbro**

February 16, 2005

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An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Chesbro. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law requires an applicant for licensure to take an examination before the board and meet certain other requirements.

Existing law ~~authorizes the board to issue a license to an applicant who has not taken an examination if he or she is licensed to practice dentistry in another state and submits certain items to the board. Existing law requires an applicant to submit, among other things, proof that he or she is not subject to disciplinary action in the other state and a release allowing disclosure of specified information from the federal Drug Enforcement Administration, and requires the board to review this to determine if it presents sufficient evidence to warrant the submission of additional information from the applicant or denial of licensure. Existing law also requires an applicant to submit an acknowledgment executed under penalty of perjury and automatic forfeiture of license that the information provided to the board is true and correct and that the applicant hasn't been convicted of an offense involving insurance fraud. Additionally, existing law requires an applicant to provide proof of that he or she has either been in active clinical practice or a full-time faculty member in an accredited dental education program and in active clinical practice, for at least 5,000~~

hours in 5 of the 7 years preceding his or her application. Existing law authorizes an applicant that proves at least 2 years of clinical practice or credit to complete the remainder of the requirement by filing a copy of a contract to practice dentistry full time for 2 years in a clinic meeting specified requirements or in an accredited dental education program.

~~This bill would, with respect to disciplinary actions in the other state and the information from the DEA, require the board to determine if it warrants refusal to issue a license. The bill would delete the requirement that the applicant submit an acknowledgment. The bill would also provide that the entire 5-year clinical practice requirement is met by filing a copy of a contract to practice dentistry full time for 2 full years in a qualifying clinic.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1635.5 of the Business and Professions
- 2 Code is amended to read:
- 3 1635.5. (a) Notwithstanding Section 1634, the board may
- 4 grant a license to practice dentistry to an applicant who has not
- 5 taken an examination before the board, if the applicant submits
- 6 all of the following to the board:
- 7 (1) A completed application form and all fees required by the
- 8 board.
- 9 (2) Proof of a current license issued by another state to
- 10 practice dentistry that is not revoked or suspended or otherwise
- 11 restricted.
- 12 (3) Proof that the applicant has either been in active clinical
- 13 practice or has been a full-time faculty member in an accredited
- 14 dental education program and in active clinical practice for a
- 15 total of at least 5,000 hours in five of the seven consecutive years
- 16 immediately preceding the date of his or her application under
- 17 this section. The clinical practice requirement shall be deemed
- 18 met if documentation of any of the following is submitted:
- 19 (A) The applicant may receive credit for two of the five years
- 20 of clinical practice by demonstrating completion of a residency
- 21 training program accredited by the American Dental Association
- 22 Commission on Dental Accreditation, including, but not limited

1 to, a general practice residency, an advanced education in general  
2 dentistry program, or a training program in a specialty  
3 recognized by the American Dental Association.

4 (B) A copy of a pending contract to practice dentistry full time  
5 for two—full years in a primary care clinic licensed under  
6 subdivision (a) of Section 1204 of the Health and Safety Code or  
7 in a primary care clinic exempt from licensure pursuant to  
8 subdivision (c) of Section 1206 of the Health and Safety Code, or  
9 in a clinic owned or operated by a public hospital or health  
10 system, or a clinic owned and operated by a hospital that  
11 maintains the primary contract with a county government to fill  
12 the county's role under Section 17000 of the Welfare and  
13 Institutions Code. The board may periodically request  
14 verification of compliance with these requirements, and may  
15 revoke the license upon a finding that the employment  
16 requirement, or any other requirement of this subparagraph, has  
17 not been met. *The board may, by regulation, define "full time"*  
18 *for the purposes of this paragraph.*

19 (C) A copy of a pending contract to teach or practice dentistry  
20 full time for two—full years in an accredited dental education  
21 program as approved by the Dental Board of California. The  
22 board may periodically request verification of compliance with  
23 these requirements, and may revoke the license upon a finding  
24 that the employment requirement, or any other requirement of  
25 this subparagraph, has not been met.

26 (4) Proof that the applicant has not been subject to disciplinary  
27 action by any state in which he or she is or has been previously  
28 licensed to practice dentistry. If the applicant has been subject to  
29 disciplinary action, the board shall review that action to  
30 determine if it ~~warrants refusal to issue a license to the applicant.~~  
31 *presents sufficient evidence of a violation of Article 4*  
32 *(commencing with Section 1670) to warrant the submission of*  
33 *additional information from the applicant or the denial of the*  
34 *application for licensure.*

35 (5) A signed release allowing the disclosure of information  
36 from the National Practitioner Data Bank and the verification of  
37 registration status with the federal Drug Enforcement  
38 Administration. The board shall review this information to  
39 determine if it ~~warrants refusal to issue a license to the applicant.~~  
40 *presents sufficient evidence of a violation of Article 4*

1 *(commencing with Section 1670) to warrant the submission of*  
2 *additional information from the applicant or the denial of the*  
3 *application for licensure.*

4 (6) Proof that the applicant has not failed the examination for  
5 licensure to practice dentistry under this chapter within five years  
6 prior to the date of his or her application for a license under this  
7 section.

8 (7) *An acknowledgment by the applicant executed under*  
9 *penalty of perjury and automatic forfeiture of license, of the*  
10 *following*

11 (A) *That the information provided by the applicant to the*  
12 *board is true and correct, to the best of his or her knowledge and*  
13 *belief.*

14 (B) *That the applicant has not been convicted of an offense*  
15 *involving conduct that would violate Section 810.*

16 (8) Documentation of 50 units of continuing education  
17 completed within two years of the date of his or her application  
18 under this section. The continuing education shall include the  
19 mandatory coursework prescribed by the board pursuant to  
20 subdivision (b) of Section 1645.

21 ~~(8)~~

22 (9) Any other information as specified by the board to the  
23 extent it is required of applicants for licensure by examination  
24 under this article.

25 (b) The board shall provide in the application packet to each  
26 out-of-state dentist pursuant to this section the following  
27 information:

28 (1) The location of dental manpower shortage areas that exist  
29 in the state.

30 (2) Those not-for-profit clinics and public hospitals seeking to  
31 contract with licensees for dental services.

32 (c) (1) The board shall review the impact of this section on  
33 the availability of dentists in California and report to the  
34 appropriate policy and fiscal committees of the Legislature by  
35 January 1, 2008. The report shall include a separate section  
36 providing data specific to those dentists who intend to fulfill the  
37 alternative clinical practice requirements of subparagraph (B) of  
38 paragraph (3) of subdivision (a). The report shall include, but not  
39 be limited to, all of the following:

1 (A) The total number of applicants from other states who have  
2 sought licensure.

3 (B) The number of dentists from other states licensed pursuant  
4 to this section, as well as the number of licenses not granted and  
5 the reasons why each license was not granted.

6 (C) The location of the practice of dentists licensed pursuant to  
7 this section.

8 (D) The number of dentists licensed pursuant to this section  
9 who establish a practice in a rural area or in an area designated as  
10 having a shortage of practicing dentists or no dentists at all.

11 (E) The length of time dentists licensed pursuant to this  
12 section maintained their practice in the reported location. This  
13 information shall be reported separately for dentists described in  
14 subparagraphs (C) and (D).

15 (2) In identifying a dentist's location of practice, the board  
16 shall use medical service study areas or other appropriate  
17 geographic descriptions for regions of the state.

18 (3) If appropriate, the board may report the information  
19 required by paragraph (1) separately for primary care dentists and  
20 specialists.

21 (d) The board is authorized to contract with a third party or  
22 parties to review applications filed under this section and to  
23 advise the board as to whether the applications are complete. The  
24 contracting party, its agents, and its employees shall agree to be  
25 bound by all provisions of law applicable to the board, its  
26 members, and staff, governing custody and confidentiality of  
27 materials submitted by applicants for licensure.